

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

COTT BEVERAGES INC.

and

Case 16-CA-181144

JOSEPH KELLY

ORDER¹

The Respondent's requests for special permission to appeal and to stay proceedings from Administrative Law Judge Paul Bogas's June 25 and July 26, 2019 orders are denied. The Respondent has failed to establish that the judge's rulings declining to remand the case to the Regional Director for dismissal pursuant to the Board's decision in *The Boeing Company*² and to proceed directly to briefing on its application to the case cannot be addressed appropriately at a later stage of this proceeding. Moreover, the Respondent's arguments in support of its request fail to show that Judge Bogas had abused his discretion in retaining the case rather than remanding to the Regional Director, especially since the Board had directed him in its May 21, 2019 order to issue a supplemental decision addressing the complaint allegation affected by the *Boeing* decision.³

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., October 4, 2019

¹The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² 365 NLRB No. 154 (2017), reconsideration denied 366 NLRB No. 128 (2018) (*"Boeing"*).

³ The request for special permission to appeal is denied without prejudice to the Respondent's right to renew its contentions on exceptions to the judge's supplemental decision.